

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JOHN J. SCHERRER, IV,

Plaintiff,

v.

S.J.G. CORP. d/b/a THE SALT LICK,

Defendant.

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CASE NO. 1:08-CA-190SS

COLLECTIVE ACTION

JURY TRIAL DEMANDED

**PLAINTIFF'S AGREED MOTION TO MODIFY
SCHEDULING ORDER**

TO THE HONORABLE COURT:

John J. Scherrer, IV, representative Plaintiff herein (Plaintiff) files this Agreed Motion to Modify Scheduling Order as follows:

**I.
Basis for Motion**

a. The current Scheduling Order requires Plaintiff to send a written offer of settlement to Defendant by November 3, 2008. (*Docket Entry #13*) The Scheduling Order also requires Defendant to respond to Plaintiff's offer no later than November 24th. *Id.*

b. On October 21, 2008, the Court granted Plaintiff's motion to conditionally certify this case as a collective action and to send notice to the putative class members. (*Docket Entry #34*) The deadline for class members to opt in to this case is December 30, 2008. Not until the opt in period expires will the parties be in a position to make an informed decision on settlement.

c. Accordingly, Plaintiff respectfully requests the Court to extend the deadline to make his written offer of settlement to February 13, 2009; to extend Defendant's response deadline to

February 27, 2009; and for the Parties to file their ADR report to March 6, 2009. All other deadlines set forth in the Court's Scheduling Order will remain the same.

WHEREFORE, Plaintiff respectfully requests this Court to sign the accompanying order modifying the current Scheduling Order, and for such other relief, at law and in equity, both general and special, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

/s/ Robert R. Debes, Jr.

By: _____

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

This is an agreed motion.

/s/ Robert R. Debes, Jr.

Robert R. Debes, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to Defendant via ECF notification on this the 2nd day of November 2008.

/s/ Robert R. Debes, Jr.

Robert R. Debes, Jr.